DELEGATED FILE NOTE

CASE OFFICER: ...Jo Cousins.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01117/FP	Erection of three poly tunnels and one single storey storage building in association with the agricultural use (horticulture - nursery ground for native tree species) of land previously used as Anglian water sewage treatment site	Land At Former Sewage Treatment Site Ashwell Road Bygrave Hertfordshire

Submitted Plan Nos

TF-1813-001; TF-1813-101; TF-1813-103

1.0 Policies

LP6 Rural Areas Beyond the Green Belt

LP55	Car Parking Standards
SECT1	Building a Strong, Competitive Economy
SECT3	Supporting a Prosperous Rural Economy
SECT11	Conserving and enhancing natural environ
SPDVP	Vehicle Parking at New Development
XSP5	Countryside and Green Belt
XCGB1	Rural Areas Beyond the Green Belt
XNE1	Landscape
XT2	Parking

2.0 Site History

2.1 Pre-application (negative) advice given in 2016 under reference 16/00651/1PRE. A subsequent planning application was withdrawn in February 2017 - see 16/03211/1.

2.2 Permission was refused under reference 17/02151/1 for a detached building to house micro brewery with associated car parking.

3.0 Representations

3.1 **Bygrave Parish Council** – no comments received but did respond to previous

application for a micro brewery where concerns were raised with regard to traffic to and from the site possible noise and smell.

3.2 **Local residents** – no comments received.

3.3 **HCC Highways** – not consulted. On the previous application acknowledged that the existing access remains unchanged and advised a condition to ensure adequate visibility. I co not consider that it would be unreasonable to apply this condition which safeguards users of the site and the adjacent highway..

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site comprises a triangular area of land located on the western side of the road to the north of the village of Bygrave. The site is separated by a gap of 30m of agricultural land from the nearest dwelling on the western side of the road and there is a dwelling approx. 15m away on the opposite side of the road. The site is a maximum of 40m deep and has an approximately 60m long frontage to Ashwell Road and is formerly open land associated with the Sewage Pumping Station having been sold off by Anglian Water.

4.2 Proposal

4.2.1 The application seeks planning permission for the change of use of the land to a small scale horticultural nursery for growing native tree species. To the southern boundary three poly tunnels and a storage building would be erected. The existing point of access would be utilised with parking on the existing hardstanding strip that runs to the rear of the site. and associated car parking. The documents state that:
The applicants are establishing a native species tree nursery with the aim of providing such trees in the open market in a range of sizes up to 2.5/3m max. The bulk of the trees will be grown from seed in polytunnels for up to 1/2 years before being placed on the main nursery ground ("hardening off ground") to mature. This will be a full time albeit passive, horticultural business with a long-term business plan and the applicants will be investing iro £20,000 over 18 months to establish it (please see below). The existing fence and the bramble barrier to the outside of the fence will be retained as its acts as an excellent wind barrier and will protect young trees on the nursery ground and also acts as a deterrent to deer, rabbits and vandals. The applicants intend to have the following structures on the site in accordance with the attached drawings, all of which are fundamentally essential for the purposes of the intended agricultural use of the site:

1) ***Polytunnel A: 4.88m wide x 10.97m long x 2.5m high (43.5m²)***
2) ***Polytunnel B: 4.88m wide x 9.1 m long x 2.5m high (44.4m²)***
3) ***Polytunnel C: 4.88m wide x 9.1 m long x 2.5m high (44.4m²)***
4) ***Storage bldg. D: 3.5m wide x 9.1 m long x 2.5m high (to the apex) (33.2m²)***
5) ***Access to Electricity***
6) ***Access to water (bore hole)***

The polytunnels and storage building will occupy a total of 165m² i.e. approx. 12% of the site size.

See submitted plans and supporting statement for full details.

4.3 **Key Issues**

4.3.1 The key issues in determining this application centre on the following in my view:

- Principle of development
- Scale and Design

4.3.2 **Principle**

In terms of the principle of the development, Policy 6 only supports uses which fall within the categories of forestry or farming or cater for community needs which can not be met within a selected settlement or in one of the Districts four towns. This Policy reads as follows:

Policy 6 - Rural Areas beyond the Green Belt
In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages, and their character. Except in Selected Villages (Policy 7), a development proposal will normally be allowed only if:
(i) it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:
(a) the need cannot practicably be met within a town, excluded village or selected village, and
(b) the proposal positively improves the rural environment; or
(ii) it would meet an identified rural housing need, in compliance with Policy 29; or
(iii) it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or
(iv) it involves a change to the rural economy in terms of Policy 24 or Policy 25.

In addition emerging policy ***CGB1 - Rural Areas beyond the Green Belt*** states that planning permission will be granted where the development:
a. Is infill within the built core of a Category B village;
b. Meets a proven local need for community facilities and services or rural housing;
c. Is strictly necessary for the needs of agriculture or forestry;
d. Relates to an existing rural building;
e. Is a modest proposal for rural economic development or diversification; or
f. Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.

Given the history of the site it is noted that the applicants have been careful to

clarify the nature of the activity and keep the scale of buildings to a minimum. The use and nature of the structures would be appropriate to the rural area and would comply with the policy criteria above. The nature of the development is such that it is appropriate in a rural area and would also be is a form or rural diversification and an acceptable horticultural activity that could not be so easily met within an existing settlement. The applicants intend to keep all existing boundary treatment and in my view the development would not harm the local environment.
The National Planning Policy Framework (NPPF) carries additional weight when making planning decisions. The Framework makes the following general directions in this regard at paragraph 28:

"support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.."

"...promote the development and diversification of agriculture and other land-based businesses"

In this case the development is small scale and I take the view that it would fall within the type of diversified rural enterprise or activity that is supported by the Framework in the countryside and that is supported by the current or emerging local plan policy.

3.3 **Scale & Design**

Turning now to the proposals impact in the countryside the proposed development employs a very low key design approach with buildings no higher than 2.5m. The site is within an open agricultural landscape outside the village of Bygrave on a relatively flat area, currently enclosed by boundary vegetation and largely screened from public views. The scale of development would be appropriate in the rural area as supported by the NPPF. Although the site currently does not contain buildings, in my view, in terms of visual impact, the modest building and agricultural poly tunnels in the location proposed would be unobjectionable given the use for horticultural purposes.

The application clarifies that the business use would be as follows:-

The applicants will be establishing a specialist native tree nursery, over a period of 5 years. Sales will start after year 2 (when polytunnel stock grown from seed is approx. 60cm high) and will in the main, over the internet with the target market being the trade i.e. landscape gardeners, designers, land owners and house builders. Sales to the public will also encouraged but via the website. For the avoidance of doubt, this will not be a mini garden centre or domestic nursery, selling gardening equipment, shrubs and bedding plants etc where the public would be expected in numbers every weekend. Once mature trees are available i.e those over 1.5m, customers may well wish to view a particular variety or tree, but in all likelihood, this will be by appointment because the owners do not envisage being on site every day particularly in the months when necessary maintenance activities are at their lowest.

Given the scale of development here and the clarification above I am satisfied that the grant of permission will not harm the rural area or conflict with the Councils rural policy or the NPPF. I have added conditions to safeguard the use of the site and to control environmental issues such as lighting in the future

4.4 **Conclusion**

In summary, I consider there to be no objections to the principle of the proposals which are acceptable in the rural area and have framed a favourable recommendation accordingly.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. For the avoidance of any doubt and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no development as set out in Class Q and Class R of Part 3 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

   Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

4. Notwithstanding the details specified in the Supplimentary Planning Statement dated 28 March 2018, no additional lighting other than those stated shall be installed without the prior agreement in writing of the Local Planning Authority. Details shall include the form of external lighting and lighting columns, what times the lights will be on, or if senor lights only, will be used.

   Reason: to prevent light pollution in the countryside.

5. Vehicle to vehicle visibility splays of 2.4 metres by 43 metres in both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

   Reason: To provide adequate visibility for drivers entering and leaving the site.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 June 2018	